

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

TAMMY DECOSTA,)	
)	
)	CASE NOS. 1:19-cv-01584
Plaintiff,)	
)	
)	JUDGE BENITA Y. PEARSON
)	
vs.)	<u>PLAINTIFF'S MOTION TO STAY</u>
)	<u>CIVIL PROCEEDINGS PENDING</u>
CUYAHOGA COUNTY, OHIO et a.)	<u>DISPOSITION OF CRIMINAL</u>
)	<u>CASE</u>
)	
Defendants.)	
)	

Now comes Plaintiff Tammy Decosta ("Plaintiff"), and hereby respectfully moves this Court to temporarily stay this civil case *pending the outcome of the case State of Ohio v. Kenneth Mills*, Cuyahoga County Case No. CR-19-645266 (the "Mills Criminal case").

There is a pending federal case similar in many respects to this case in the matter *Brack v. Budish*, United States District Court Case No. 1:19-cv-01436 (the "Brack Matter") in front of Judge Donald Nugent.¹ By order dated July 31, 2019, Judge Nugent stayed the Brack Matter because one of the primary/main defendants (Kenneth Mills - also a primary defendant in this case) has his Cuyahoga County criminal case pending, and the parties were concerned with the Fifth Amendment issues surrounding taking his

¹ A copy of the docket in the Brack Matter is attached hereto and made a part hereof as Exhibit A.

deposition.² Mr. Mills' criminal case is still pending and is not currently set for trial. A copy of both of the Cuyahoga criminal dockets associated with the criminal prosecution of Mr. Mills are attached hereto and made a part hereof as Exhibit C. Not being able to depose Mr. Mills creates a huge discovery barrier for the Plaintiff.

In connection with this motion to stay, Plaintiff incorporates by reference the contents of the Motion to Stay filed in the Brack matter.

For all of the foregoing reasons, Plaintiff respectfully moves this Court to stay this civil action pending the outcome of Mr. Mills' criminal case.

Respectfully submitted;

LIPSON O'SHEA LEGAL GROUP

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Tammy Decosta

² A copy of the Motion to Stay filed in the Brack Matter is also attached hereto and made a part hereof as Exhibit B.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic record. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic system.

S/Michael J. O'Shea

Michael J. O'Shea